

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of:
 Trademark Registration No.: 1,950,224
 For the Mark: WILD ROSE
 Dated Registered: January 23, 1996

04-07-2003
U.S. Patent & TMO/c/TM Mail Rcpt Dt. #34

MCB, INC. d/b/a WILD ROSE

VS.

CALIFORNIA C&A, INC. d/b/a APOLLO
CALIFORNIA CORPORATION

and/or

FASHION EXP. (TAIWAN) CO., LTD.

Cancellation No. 29940

Assistant Commissioner for Trademarks
Box TTAB
2900 Crystal Drive
Arlington, VA 22202-3513

**REVOCATION AND SUBSTITUTION OF POWER OF ATTORNEY AND
NOTIFICATION OF JUDGMENT TO REVERSE OPINION FOR
CANCELLATION AND DISMISS CANCELLATION PROCEEDING**

Dear Madam:

Applicant hereby revokes all prior powers of attorney regarding this registration and hereby substitutes the following Power of Attorney:

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BESTFIT

PAGE 02

Sent by: FULWIDER L.A.

310 824 9696;

03/28/03 1:48PM; Jafax #558; Page 4/4

Docket No. BESTF-62963

POWER OF ATTORNEY


The undersigned hereby appoints Leonard D. Messinger, Esq., and each member of Fulwider, Patton, Lee & Utecht, LLP, 6060 Center Drive, 10th Floor, Los Angeles, California 90045, all of whom are members in good standing of a state bar, to transact all business in the Patent and Trademark Office in connection with, and to receive all correspondence in connection with the above identified registration.

Correspondence regarding this registration should be addressed to:

Leonard D. Messinger
Fulwider Patton Lee & Utecht, LLP
6060 Center Drive, 10th Floor
Los Angeles, California 90045
Telephone No.: (310) 824-5555
Fax No.: (310) 824-9696

**CALIFORNIA C&A, INC. dba APOLLO
CALIFORNIA CORPORATION**

Dated: March 28, 2003

By: 
Name (Print): CHARLES CHU
Title (Print): Vice President

**NOTICE OF DISTRICT COURT JUDGMENT REVERSING CANCELLATION
AND ORDERING DISMISSAL OF CANCELLATION PROCEEDING**

The parties have resolved their issues regarding this cancellation proceeding. Specifically, the parties have entered into a settlement agreement and consented to a judgment in the United States District Court for the Central District of California with respect to the appeal of this cancellation proceeding. That judgment has been executed and entered by the court. A certified copy of the judgment is attached to this document (the clerk's certification and seal of the United States District Court for the Central District of California is located on the back of the last page of the Consent Judgment).

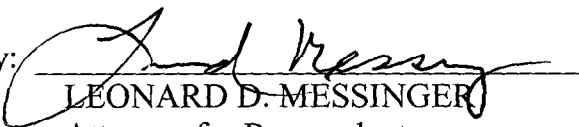
Paragraph three (3.) of the entered Consent Judgment reverses the decision of the Trademark Trial and Appeal Board in this cancellation proceeding and orders the Trademark Trial and Appeal Board to dismiss, with prejudice, this cancellation proceeding. Registrant therefore respectfully requests that the Trademark Trial and Appeal Board comply with the District Court Judgment, at the earliest possible time, by noting in its records that the order of cancellation is reversed and by dismissing, with prejudice, the cancellation proceeding.

Registrant's counsel remains available to discuss, with any staff member of the Trademark Trial and Appeal Board, the Judgment and any further proceedings or documents which might be necessary to carry out the District Court's Order.

Respectfully Submitted,

CALIFORNIA C&A, INC. d/b/a APOLLO
CALIFORNIA CORPORATION and
FASHION EXP. (TAIWAN) CO. LTD.

Dated: April 1, 2003

By: 
LEONARD D. MESSINGER
Attorney for Respondents

FULWIDER PATTON LEE & UTECHT LLP
Howard Hughes Center
6060 Center Drive, 10th Floor
Los Angeles, California 90045
Phone No. (310) 824-5555
Facsimile No. (310) 824-9696

CERTIFICATE OF SERVICE

Cancellation No.: **29,940**
Mark: **WILD ROSE**
Registration No.: **1,950,224**

**CALIFORNIA C&A, INC. d/b/a APOLLO CALIFORNIA CORPORATION AND
FASHION EXP. (TAIWAN) CO., LTD.**

It is hereby certified that a true copy of Registrant's:


**REVOCATION AND SUBSTITUTION OF POWER OF ATTORNEY AND
NOTIFICATION OF JUDGMENT TO REVERSE OPINION FOR
CANCELLATION AND DISMISS CANCELLATION PROCEEDING and
POWER OF ATTORNEY**

And a certified copy of

CONSENT JUDGMENT

is being deposited on April 1, 2003 with the United States Postal Service by first class
mail postage, prepaid to:

Alan I. Cyrlin, Esq.
WASSERMAN, COMDEN, CASSELMAN
& PEARSON L.L.P.
5567 Reseda Boulevard, Suite 330
Tarzana, California 91357-7033


LEONARD D. MESSINGER

ORIGINAL

LUDGED

2003 MAR 20 P11:21

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 4 6060 Center Drive, Tenth Floor
 5 Los Angeles, California 90045
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8 Attorneys for CALIFORNIA C&A INC. d/b/a APOLLO CALIFORNIA
 9 CORPORATION and FASHION EXP. (TAIWAN) CO., LTD.

10 UNITED STATES DISTRICT COURT
 11 CENTRAL DISTRICT OF CALIFORNIA

FILE BY FAX

12 CALIFORNIA C&A INC., a California
 13 Corporation d/b/a APOLLO
 14 CALIFORNIA CORPORATION; and
 15 FASHION EXP. (TAIWAN) CO.,
 16 LTD., a Taiwan Corporation

Plaintiff,

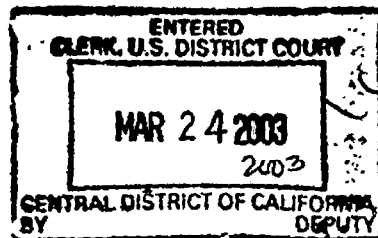
17 MCB, INC., a California Corporation
 18 d/b/a WILD ROSE

Defendant.

CASE NO. CV-02-5009 TJH (JWJx)

CONSENT JUDGMENT

Assigned to The Hon. Terry J. Hatter, Jr.



19
 20 Plaintiffs California C&A, Inc., doing business as Apollo California
 21 Corporation and Fashion Exp. (Taiwan) Co., Ltd. ("Plaintiffs") and MCB, Inc.
 22 doing business as Wild Rose ("Defendant"), having settled the dispute among them
 23 described in the pleadings on file in this case, and believing that with appropriate
 24 safeguards they can concurrently use the WILD ROSE mark for their respective
 25 goods throughout the United States, without a likelihood of public confusion. It is
 26 the parties' intent to obtain registrations in the United States Trademark Office of
 27 the mark WILD ROSE and to concurrently use the mark WILD ROSE, for their
 28 respective goods, described below, throughout the United States. The parties

CONSENT JUDGMENT
 Civil Action No. CV-02-5009 TJH (JWJx)

THIS CONSTITUTES NOTICE OF ENTRY
 AS REQUIRED BY FRCP, RULE 77(d).

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1 therefore, by their undersigned counsel, stipulate and request that the above
2 designated Court enter the following consent judgment.

3 The Court finding good cause therefore, hereby does

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5 **ORDER, ADJUDGE and DECREE**
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7 1. This Court has subject matter jurisdiction over the matters pleaded
8 herein and personal jurisdiction over each of the parties.

9 2. The parties may continue to use the mark WILD ROSE for the
10 following goods, in the United States and in commerce between the United States
11 and foreign countries, in the following manner: Plaintiffs, and their successors and
12 assigns, may use the trademark WILD ROSE for men's, women's and children's
13 active, sport, casual, work and formal dress footwear and boots. Defendants, and
14 their successors and assigns, may use the trademark WILD ROSE for clothing,
15 namely jackets, vests, shirts, blouses, t-shirts, pants, shorts, skirts, suits and
16 dresses.

17 3. The decision of the Trademark Trial and Appeal Board in Cancellation
18 Proceeding No. 92029940 is hereby reversed and the Trademark Trial and Appeal
19 Board is hereby ordered to dismiss, with prejudice, Cancellation Proceeding No.
20 9202 9940.

21 4. Plaintiff Fashion Exp. (Taiwan) Co. Ltd. is ordered to forthwith
22 execute and provide to MCB, Inc. for submission to the United States Patent and
23 Trademark Office, a written consent to registration of Defendant's trademark
24 application Serial No. 75/692,899 for the mark WILD ROSE for clothing, namely,
25 jackets, vests, shirts, blouses, t-shirts, pants, shorts, skirts, suits and dresses,
26 in the form attached hereto as Exhibit 1.

27 5. The Parties shall promptly execute such other documents as may be
28 reasonably necessary to accomplish the reversal of the Trademark Trial and Appeal

RECEIVED

1 Board's decision of cancellation in Cancellation Proceeding No. 92029940,
2 dismissal of that Cancellation Proceeding, and to permit the parties to obtain
3 registrations in the U.S. Patent and Trademark Office, for the mark WILD ROSE,
4 for the parties' respective goods, as described in paragraph 2 above.

5 6. The Court shall retain jurisdiction for the purposes of enforcing this
6 Consent Judgment and the parties' Settlement Agreement, and making any further
7 orders necessary or proper to permit the parties, if necessary, to seek modification of
8 this Judgment and/or to seek other necessary and proper orders from this Court, to
9 accomplish the results in the Trademark Trial and Appeal Board and the Patent and
10 Trademark Office, described in paragraph 5 above.

11 7. Each of the parties shall bear its own attorneys fees and costs incurred
12 with respect to this action.

13 8. This judgment shall bind, and inure to the benefit of the parties, their
14 successors in interest and assigns.

15 9. Upon entry of this judgment, MCB's counterclaims are dismissed with
16 prejudice.

17 10. This Judgment is final.

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IT IS SO ORDERED

Dated 3/20/03

Tony G. Hatter, Jr.
United States District Judge

10. This judgment is final.

IT IS SO ORDERED.

Dated: _____, 2003

By: _____

Terry J. Hatter Jr.
United States District Judge.

FULWIDER PATTON LEE & LUTCH, LLP

Dated: March 18, 2003

By: _____

Leonard D. Messinger
Attorneys for Plaintiffs and
Counterdefendants,
CALIFORNIA C&A INC., d.b.a.
APOLLO CALIFORNIA
CORPORATION and
FASHION EXP. (TAIWAN) CO., LTD.

WASSERMAN COMDEN, CASSELMAN &
PEARSON L.L.P.

Dated: March 18, 2003

By: _____

Alan I. Cyrlin
Attorneys for Defendant and
Counterclaimant, MCB, INC.



RECEIVED
U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SAN FRANCISCO
MAR 18 2003